

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, page 1, in the "Cross Reference to Related Applications" paragraph, line 1, after "December 7,1999," insert "now U.S. Patent No. 6,835,301,".

This amendment is necessary to update the status of the parent application in the specification.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submissions, amendments to the claims and remarks, filed on 23 April 2008 have been entered.

The claims have been amended to include that the distillate feedstock contains polynuclear aromatics and that the resulting liquid product stream has a weight ratio of aromatics to polynuclear aromatics of at least 11. The closest prior art reference appears to be Harrison et

al (5,292,428) which discloses a similar multi-step hydrodesulfurization process; however, Harrison et al do not teach a ratio of aromatics to polynuclear aromatics. The present inventors have found that the amount of polynuclear aromatics in a distillate fuel product can be substantially reduced by limiting the hydrogen portion of the treat gas in the second hydrodesulfurization stage to less than or equal to three times the chemical hydrogen consumption which is set forth in the claims and which is not taught or suggested in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen M. McAvoy whose telephone number is (571) 272-1451. The examiner can normally be reached on M-F (7:30-5:00) with alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ellen M McAvoy/
Ellen M McAvoy
Primary Examiner
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EMcAvoy
July 5, 2008